

9/2/2014

2:13-cv-00193

Westlaw

V.T.C.A., Transportation Code § 521.142

Page 1

C

Effective: September 28, 2011

Vernon's Texas Statutes and Codes Annotated Currentness  
Transportation Code (Refs & Annos)  
Title 7. Vehicles and Traffic (Refs & Annos)  
Subtitle B. Driver's Licenses and Personal Identification Cards  
Chapter 521. Driver's Licenses and Certificates (Refs & Annos)  
Subchapter G. License Application Requirements  
→ § 521.142. Application for Original License

(a) An application for an original license must state the applicant's full name and place and date of birth. This information must be verified by presentation of proof of identity satisfactory to the department. An applicant who is not a citizen of the United States must present to the department documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States before the applicant may be issued a driver's license. The department must accept as satisfactory proof of identity under this subsection an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice if the applicant also provides supplemental verifiable records or documents that aid in establishing identity.

(b) The application must include:

- (1) the thumbprints of the applicant or, if thumbprints cannot be taken, the index fingerprints of the applicant;
- (2) a photograph of the applicant;
- (3) the signature of the applicant; and
- (4) a brief description of the applicant.

(c) The application must state:

- (1) the sex of the applicant;
- (2) the residence address of the applicant, or if the applicant is a federal judge, a state judge,



or the spouse of a federal or state judge using the procedure developed under Section 521.121(c), the street address of the courthouse in which the applicant or the applicant's spouse serves as a federal judge or a state judge;

- (3) whether the applicant has been licensed to drive a motor vehicle before;
  - (4) if previously licensed, when and by what state or country;
  - (5) whether that license has been suspended or revoked or a license application denied;
  - (6) the date and reason for the suspension, revocation, or denial;
  - (7) whether the applicant is a citizen of the United States; and
  - (8) the county of residence of the applicant.
- (d) If the applicant is under 21 years of age, the application must state whether the applicant has completed a driver education course required by Section 521.1601.
- (e) The application must include any other information the department requires to determine the applicant's identity, residency, competency, and eligibility as required by the department or state law.
- (f) Information supplied to the department relating to an applicant's medical history is for the confidential use of the department and may not be disclosed to any person or used as evidence in a legal proceeding other than a proceeding under Subchapter N. [FN1] This subsection does not apply to information provided by an applicant under Subsection (h).
- (g) The department may require an applicant to provide the applicant's social security number only for a purpose permitted by Section 521.044.
- (h) The application must provide space for the applicant to voluntarily list any health condition that may impede communication with a peace officer as evidenced by a written statement from a licensed physician.
- (i) The application must provide space for the applicant:
- (1) to voluntarily list any military service that may qualify the applicant to receive a license

V.T.C.A., Transportation Code § 521.142

Page 3

with a veteran's designation under Section 521.1235; and

(2) to include proof required by the department to determine the applicant's eligibility to receive that designation.

#### CREDIT(S)

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 556, § 78, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 640, § 3, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1335, § 2, eff. Jan. 1, 2004; Acts 2005, 79th Leg., ch. 1108, § 5, eff. Sept. 1, 2005; Acts 2005, 79th Leg., ch. 1218, § 4, eff. Sept. 1, 2005; Acts 2009, 81st Leg., ch. 316, § 4, eff. Sept. 1, 2009; Acts 2009, 81st Leg., ch. 1146, §§ 13A.04, 14.01, eff. Sept. 1, 2009; Acts 2009, 81st Leg., ch. 1253, § 9, eff. Sept. 1, 2009; Acts 2009, 81st Leg., ch. 1413, § 1, eff. March 1, 2010; Acts 2011, 82nd Leg., ch. 91 (S.B. 1303), § 24.011, eff. Sept. 1, 2011; Acts 2011, 82nd Leg., ch. 273 (H.B. 1514), § 2, eff. Sept. 1, 2011; Acts 2011, 82nd Leg., 1st C.S., ch. 4 (S.B. 1), § 72.06, eff. Sept. 28, 2011.

[FN1] V.T.C.A., Transportation Code § 521.291 et seq.

Current through the end of the 2013 Third Called Session of the 83rd Legislature

(C) 2014 Thomson Reuters. No Claim to Orig. US Gov. Works.

END OF DOCUMENT



9/2/2014

2:13-cv-00193

Westlaw

37 TAC § 15.182

Page 1

Tex. Admin. Code tit. 37, § 15.182

**C**

Texas Administrative Code Currentness  
 Title 37. Public Safety and Corrections  
 Part 1. Texas Department of Public  
 Safety  
 Chapter 15. Driver License Rules  
 Subchapter L. Election Identifica-  
 tion Certificate  
**→→ § 15.182. Identification of  
 Applicants**

An applicant for an election identification  
 certificate must provide documents satis-  
 factory to the department. All documents  
 must be verifiable.

(1) An original applicant for an election  
 identification certificate must present:

(A) One piece of primary identification;

(B) Two pieces of secondary identifica-  
 tion; or

(C) One piece of secondary identifica-  
 tion plus two pieces of supporting iden-  
 tification.

(2) Primary Identification. A Texas driver  
 license or personal identification card is-  
 sued to the person that has been expired for  
 60 days and is within two years of expira-  
 tion date may be presented as primary  
 identification.

(3) Secondary identification. These items  
 are recorded governmental documents  
 (United States, one of the 50 states, a

United States territory, or District of  
 Columbia):

(A) Original or certified copy of a birth  
 certificate issued by the appropriate  
 State Bureau of Vital Statistics or equi-  
 valent agency;

(B) Original or certified copy of United  
 States Department of State Certification  
 of Birth (issued to United States cit-  
 izens born abroad);

(C) Original or certified copy of court  
 order with name and date of birth  
 (DOB) indicating an official change of  
 name and/or gender; or

(D) U.S. citizenship or naturalization  
 papers without identifiable photo.

(4) Supporting identification. The follow-  
 ing items consist of other records or docu-  
 ments that aid examining personnel in es-  
 tablishing the identity of the applicant:

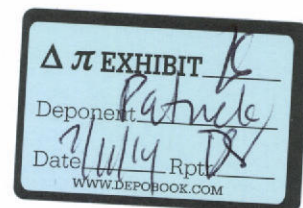
(A) voter registration card;

(B) school records;

(C) insurance policy (at least two years  
 old);

(D) Texas vehicle or boat title or regis-  
 tration;

(E) military records;



37 TAC § 15.182

Page 2

Tex. Admin. Code tit. 37, § 15.182

(F) unexpired military dependant identification card;

(G) original or certified copy of marriage license or divorce decree;

(H) Social Security card;

(I) pilot's license;

(J) unexpired photo DL or photo ID issued by another (United States) state, U.S. territory, the District of Columbia;

(K) expired photo DL or photo ID issued by another (United States) state, U.S. territory, or the District of Columbia that is within two years of the expiration date;

(L) an offender identification card or similar form of identification issued by the Texas Department of Criminal Justice;

(M) forms W-2 or 1099;

(N) Numident record from the Social Security Administration;

(O) expired Texas driver license or personal identification certificate (expired more than two years);

(P) professional license issued by Texas state agency;

(Q) identification card issued by government agency;

(R) parole or mandatory release certificate issued by the Texas Department of Criminal Justice;

(S) federal inmate identification card;

(T) federal parole or release certificate;

(U) Medicare or Medicaid card;

(V) Selective Service card;

(W) immunization records;

(X) tribal membership card from federally recognized tribe;

(Y) Certificate of Degree of Indian Blood;

(Z) Veteran's Administration card;

(AA) hospital issued birth record; or

(BB) any document that may be added to § 15.24 of this title (relating to Identification of Applicants) other than those issued to persons who are not citizens of the U.S.

**Source:** The provisions of this §15.182 adopted to be effective December 13, 2011, 36 TexReg 8384.

37 TAC § 15.182, 37 TX ADC § 15.182

Current through 39 Tex.Reg. No. 2390, dated March 28, 2014, as effective on or

37 TAC § 15.182

Page 3

Tex. Admin. Code tit. 37, § 15.182

before March 31, 2014

Copr. (C) 2014. All rights reserved.

END OF DOCUMENT



Westlaw.

Page 1

36 Tex. Reg. 8384  
2011 WL 6143363 (Tex.Reg.)

36 TexReg 8384  
36 Tex. Reg. 8384

TEXAS REGISTER  
Volume 36, Number 49  
DECEMBER 9, 2011  
ADOPTED RULES  
TITLE 37. PUBLIC SAFETY AND CORRECTIONS  
PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 15. DRIVER LICENSE RULES  
SUBCHAPTER L. ELECTION IDENTIFICATION CERTIFICATE

**\*8384** 37 TAC §§15.181 - 15.185

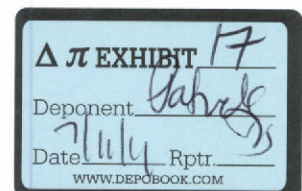
The Texas Department of Public Safety (the department) adopts new § 15.181 - 15.185, concerning Election Identification Certificate. These new sections are adopted with changes to the proposed text as published in the October 14, 2011, issue of the *Texas Register* (36 TexReg 6873) and will be republished.

The 82nd Texas Legislature enacted Transportation Code, Chapter 521A, which requires the department to issue election identification certificates. These rules are necessary to inform the public of what will be required of applicants for issuance of an election identification certificate and allow the public to have a role in establishing the process.

The department accepted comment on the proposed rules through November 14, 2011. Written comments were submitted by Senator Leticia Van de Putte, R. Ph. and Karen Nicholson representing League of Women Voters of Texas (LWV). Changes were made to proposed new § 15.182 based on the comments received by the department. Substantive comments received, as well as the department's responses, thereto, are summarized below:

COMMENT: Regarding § 15.181(d)(1), (2), (4) and (5), LWV recommended amending the requirement that an applicant who holds a driver license, election identification certificate, personal identification certificate, U.S. passport, or concealed handgun license that expired no earlier than 60 days before the date of application, by adding 30 days to allow additional processing time for processing for an expired document. The comments further state that the rules need to clarify the time it will take to process an election identification certificate and whether a receipt issued at application will be accepted at the polls.

RESPONSE: The department disagrees with these recommendations. The Secretary of State determines what documents will be accepted at the polls and has informed the department that the receipt issued upon application will be accepted in the same manner as a driver license, election identification certificate, or personal identification certificate as long as the photo is





included. Additionally, since the receipt will be accepted and local elections do not always fall on uniform election dates; the department determined wording should mirror that in the statute.

COMMENT: Regarding § 15.182(2), LWV recommended allowing all photo IDs qualified under SB14 and all primary identification accepted for a driver license or personal identification certificate as primary identification for an election identification certificate. LWV asserted that only allowing a driver license or personal identification certificate that has expired for at least 60 days and no more than two years is unnecessarily limiting.

RESPONSE: The department disagrees with this recommendation. The other documents allowed for primary identification are also acceptable for voting purposes or are accepted only for persons who are not U.S. citizens. Persons who hold acceptable documents for voting and non-citizens are not eligible for an election identification certificate.

COMMENT: Regarding § 15.182(3), LWV recommended allowing more types of secondary identification than U.S. birth certificates, certificates of birth abroad, or specific court orders, stating that persons who cannot afford to secure certified documents or for whom no birth certificate is available may not be able to provide documents to meet the requirements. LWV also noted that old citizenship documents might not contain photographs so some naturalized citizens may not have acceptable voting documents and the rule does not accommodate them.

RESPONSE: The department disagrees with part of this recommendation. Expanding the list of acceptable secondary documents to include those that are not issued by a verifiable governmental source opens the process up to a greater fraud potential. The department agrees with the recommendation to include citizenship documents without photographs. To accommodate naturalized citizens with older documents, the department changed the wording in § 15.182(2) to add citizenship certificates or certificates of naturalization without photographs.

COMMENT: Regarding § 15.182(4), Senator Van de Putte recommended including the VA card on the supporting documents list. LWV recommended that the list of supporting documents should be as broad as that for securing a driver license or personal identification certificate. LWV also stated that the rules should include all acceptable documents and not include the statement that the list is not all-inclusive.

**\*8385** RESPONSE: The department agrees with this recommendation. Fifteen additional documents accepted for driver license and identification cards were added to § 15.82(4)(M) - (BB), the list including the Veteran's Administration (VA) card. The statement that this list is not all-inclusive was deleted from § 15.182(4).

COMMENT: Regarding § 15.183(a)(1)(A), LWV recommended making the wording of this section gender-neutral and allowing the name to be the same as the name used for voter registration.

RESPONSE: The department disagrees with these recommendations. The reference to married women is specific while the statement that the section applies to both sexes refers to the use of previously documented names. This section of the rule is the same as that used for issuance of



a driver license or personal identification certificate as allowed under the law. Election workers have the ability and guidance from the Secretary of State to determine if the name on the voter list and the presented identification are similar.

COMMENT: Regarding the location of driver license offices, Senator Van de Putte raises concerns that citizens will have to travel outside of their home counties to obtain an election identification certificate. She also recommends that all communications regarding the election identification certificate issuance be in English, Spanish, and any other language necessary to reach minority voters.

RESPONSE: The department does not take a position on these comments as they go beyond the scope of rulemaking.

Additionally, the department changed the text of § 15.182(4)(D) from “vehicle title” to “Texas vehicle or boat title or registration” for the purposes of clarity.

These new sections are adopted pursuant to Texas Government Code, § 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, Chapter 521A, which authorizes the department to issue no-cost election identification certificate to eligible applicants.

#### 15.181. Eligibility for Election Identification Certificate.

(a) An applicant must be at least 17 years and 10 months of age in order to apply for an election identification certificate.

(b) An applicant must affirm that the person is obtaining the certificate for the purpose of satisfying Election Code, § 63.001(b) and does not have another form of identification described by Election Code, § 63.0101.

(c) An applicant must:

(1) Be a registered voter in this state and present a voter registration card issued to the individual; or

(2) Be eligible for voter registration under Election Code, § 13.001 and submit an application for voter registration.

(d) An applicant who has been issued any of the following documents is not eligible to receive an election identification certificate:

(1) A driver license, election identification certificate, or personal identification certificate issued by the department that has not expired or that expired no earlier than 60 days before the date of application;

(2) A United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of application;

- (3) A United States citizenship certificate issued to the person that contains the person's photograph;
- (4) A United States passport issued to the person that has not expired or that expired no earlier than 60 days before the date of application; or
- (5) A license to carry a concealed handgun issued to the person by the department that has not expired or that expired no earlier than 60 days before the date of application.

15.182. Identification of Applicants.

An applicant for an election identification certificate must provide documents satisfactory to the department. All documents must be verifiable.

(1) An original applicant for an election identification certificate must present:

- (A) One piece of primary identification;
- (B) Two pieces of secondary identification; or
- (C) One piece of secondary identification plus two pieces of supporting identification.

(2) Primary Identification. A Texas driver license or personal identification card issued to the person that has been expired for 60 days and is within two years of expiration date may be presented as primary identification.

(3) Secondary identification. These items are recorded governmental documents (United States, one of the 50 states, a United States territory, or District of Columbia):

- (A) Original or certified copy of a birth certificate issued by the appropriate State Bureau of Vital Statistics or equivalent agency;
- (B) Original or certified copy of United States Department of State Certification of Birth (issued to United States citizens born abroad);
- (C) Original or certified copy of court order with name and date of birth (DOB) indicating an official change of name and/or gender; or
- (D) U.S. citizenship or naturalization papers without identifiable photo.

(4) Supporting identification. The following items consist of other records or documents that aid examining personnel in establishing the identity of the applicant:

- (A) voter registration card;
- (B) school records;
- (C) insurance policy (at least two years old);
- (D) Texas vehicle or boat title or registration;



- (E) military records;
- (F) unexpired military dependant identification card;
- (G) original or certified copy of marriage license or divorce decree;
- (H) Social Security card;
- (I) pilot's license;
- (J) unexpired photo DL or photo ID issued by another (United States) state, U.S. territory, the District of Columbia;
- \***8386** (K) expired photo DL or photo ID issued by another (United States) state, U.S. territory, or the District of Columbia that is within two years of the expiration date;
- (L) an offender identification card or similar form of identification issued by the Texas Department of Criminal Justice;
- (M) forms W-2 or 1099;
- (N) Numident record from the Social Security Administration;
- (O) expired Texas driver license or personal identification certificate (expired more than two years);
- (P) professional license issued by Texas state agency;
- (Q) identification card issued by government agency;
- (R) parole or mandatory release certificate issued by the Texas Department of Criminal Justice;
- (S) federal inmate identification card;
- (T) federal parole or release certificate;
- (U) Medicare or Medicaid card;
- (V) Selective Service card;
- (W) immunization records;
- (X) tribal membership card from federally recognized tribe;
- (Y) Certificate of Degree of Indian Blood;
- (Z) Veteran's Administration card;
- (AA) hospital issued birth record; or

(BB) any document that may be added to § 15.24 of this title (relating to Identification of Applicants) other than those issued to persons who are not citizens of the U.S.

15.183. Application Requirements.

(a) An application for an election identification certificate must include:

(1) the applicant's full name:

(A) A married woman may use her maiden name or she may adopt the surname of her husband or the surname of a previous husband. No name will be used that has not been documented. Middle names will not be substituted for first names. Three full names will be used, unless the applicant does not have three names, including the maiden name. This section applies to both sexes.

i) When change of name occurs because of marriage, divorce, annulment, or death of spouse, the certificate holder may choose to keep her current married name, revert to her maiden name, or adopt a previous husband's surname. Name changes for reasons other than those set out above require a court order verifying such change.

ii) Certificate holders who request a name change may apply for a duplicate and exercise the same privilege in name selection as an original applicant.

(B) Foreign language names will be spelled out as they appear on the identification documents presented. English versions of names will not be substituted for the actual name.

(C) Ecclesiastical names such as Brother Thomas, Sister Mary, or Father Kelly are not used.

(2) the applicant's place and date of birth;

(3) the fingerprints of the applicant; this does not apply to an applicant who is permitted and utilizes an alternative method for renewing or duplicating an election identification certificate;

(4) a photograph of the applicant;

(5) the signature of the applicant; the applicant's usual signature, in ink, is required on all applications for an election identification certificate:

(A) The primary purpose of the signature is to identify the applicant and verify the information given on the application.

(B) If an applicant cannot write his name, he may make his "mark." This is usually a cross in the place of his signature followed by the applicant's printed name. The Driver License field employee shall sign under the applicant's "mark" showing who printed the applicant's name.

(6) a brief description of the applicant;

(7) the sex of the applicant;



- (8) the residence address of the applicant;
- (9) whether the applicant is a citizen of the United States; and
- (10) the county of residence of the applicant.

(b) Social Security number. Applicants for an election identification certificate will be asked to provide verification of Social Security number documentation. If the applicant fails or refuses to provide that social security information, the election identification certificate will be issued without such documentation unless state or federal statute requires otherwise. Acceptable documents to provide verification of Social Security number are listed in § 15.42 of this title (relating to Social Security Number).

(c) Notarizations. The applicant must verify original election identification certificate applications before a person authorized to administer oaths. The following officials may administer such oaths or affirmations:

(1) within the State of Texas:

- (A) a judge, clerk, or commissioner of any court of record;
- (B) a notary public;
- (C) a justice of the peace;
- (D) authorized employees of the Department of Public Safety;

(2) general:

- (A) in the absence of evidence to the contrary, it is presumed that all notarizations are legally made;
- (B) the omission of the seal by officers normally required to use same for notarization invalidates the oath;
- (C) notarized election identification certificate applications must be dated not more than six months prior to date of application.

#### 15.184. Expiration, Renewal, and Replacement of Election Identification Certificate.

(a) Expiration.

- (1) An Election Identification Certificate expires on the first birthday of the cardholder occurring after the sixth anniversary of the date of the application.

**\*8387** (2) An Election Identification Certificate issued to a person 70 years of age or older does not expire.

(b) Renewal.

- (1) An applicant for renewal of an election identification certificate must present evidence of eligibility, under § 15.181 of this title (relating to Eligibility for Election Identification Certificate) plus one other piece of personal identification if the election identification certificate is not presented, if necessary to identify the applicant, prior to renewal.
  - (2) An election identification certificate may be renewed 12 months before expiration date. Earlier renewals will be accepted for good cause.
  - (3) The department may provide certificate holders with alternate methods of renewing or duplicating an election identification certificate.
- (c) Applications for Replacements and Corrections. An application for replacement will be accepted in any of the following cases:
- (1) when an election identification certificate has been lost, destroyed, marred, or mutilated;
  - (2) when there has been a change of name and/or gender.

15.185. Cancellation and Surrender.

The department may cancel and require surrender of an election identification certificate upon confirmation that the certificate was issued to a person not entitled thereto.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 23, 2011.

TRD-201105184 D. Phillip Adkins  
General Counsel  
Texas Department of Public Safety

Effective date: December 13, 2011

Proposal publication date: October 14, 2011

For further information, please call: (512) 424-5848

**\*8349** Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text as published in the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

36 TexReg 8384  
36 Tex. Reg. 8384